

REMARKS

Claims 1-9 remain pending in the application. The following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ravenel (U.S. Patent No. 3,531,234).

This rejection is respectfully traversed.

Applicant respectfully submits that Ravenel fails to teach a rocker shaft positioned in a cylinder head and oriented to have a rotational axis substantially perpendicular to a rotational axis of a camshaft and therefore fails to teach each and every element of the claimed invention. Furthermore, Applicant submits that modifying the device of Ravenel to position an axis of rotation of a rocker perpendicular to an axis of rotation of a camshaft is not taught or suggested and, even if such a relationship is suggested, such a relationship renders the device of Ravenel inoperable.

The Examiner asserts that Ravenel teaches the elements of independent Claim 1 if an axis of rotation (XX) of a rocker (40) is rotated about an axis (YY) extending along a rod (70) until the axis of rotation the rocker (XX) is perpendicular to an axis of rotation (ZZ) of a camshaft (1). The Examiner relies on the statement by Ravenel that the axis of rotation of the rocker (XX) "may be chosen arbitrarily," as long as the axis (XX) remains perpendicular to an axis (UU) extending along a valve (30). See Ravenel at

Col. 2, Ins. 53-57.

Applicant submits that merely stating that the axis of rotation of the rocker (XX) "may be arbitrarily chosen" does not teach or suggest positioning the axis of rotation of the rocker (XX) *perpendicular* to the axis of rotation of the camshaft (YY). Applicant notes that positioning the axis of rotation of the rocker (XX) perpendicular to the axis of rotation of the camshaft (YY) while maintaining the axis of rotation of the rocker (XX) perpendicular to the axis extending along the valve (UU) requires rotating the valve (30) about axis (YY) with the rocker (40) until the axis of rotation of the rocker (XX) is perpendicular to the axis of rotation of the camshaft (YY). Therefore, positioning the axis of rotation of the rocker (XX) perpendicular to the axis of rotation of the camshaft (YY) *is not possible* as the valve (30) would contact the camshaft (1) prior to the axis of rotation of the rocker (XX) being positioned perpendicular to the axis of rotation of the camshaft (YY).

Applicant further asserts that movement of the valve (30) and rocker (40) about axis (YY) until the axis of rotation of the rocker (XX) is perpendicular to the axis of rotation of the camshaft (YY) renders the device of Ravenel inoperable as such rotation of the valve (30) and rocker (40) about axis (YY) would cause the valve (30) to come into contact with and restrict rotation of the camshaft (1).

In light of the foregoing, Applicant respectfully submits that independent Claim 1, as well as Claims 2 and 5, dependent therefrom, are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 3, 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ravenel in view of Kawasaki (U.S. Patent No. 6,250,269).

Claims 3, 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ravenel in view of Konno (U.S. Patent No. 4,848,284).

Claims 6, 7, 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ravenel in view of Nakayama (U.S. Patent No. 6,748,913).

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ravenel as modified above in view of Kawasaki (U.S. Patent No. 6,250,269).

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ravenel as modified above in view of Konno (U.S. Patent No. 4,848,284).

These rejections are respectfully traversed.

Independent Claim 1 is believed to be in condition for allowance in light of the foregoing remarks. Because Claims 3, 4, and 6-9 depend from Claim 1, Claims 3, 4, and 6-9 are similarly believed to be in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6526.

Respectfully submitted,

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